

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1A Zachary Filgas (GUARD/P) Case No. 10CEPR00914 Atty Hopper, Cindy J. (for Rachel Stauffer – Mother – Moving party) Attashian, Zepure (for Elaine Thomas – Paternal Grandmother – Temporary Guardian) Atty Atty Kilpatrick, Patricia (Pro Per – Maternal Grandmother) Motion to Quash Civil Subpoena for Kaweah Delta Hospital and St. Agnes Medical Center Age: 2 TEMP (Elaine Thomas) EXPIRES 7-23-13 NEEDS/PROBLEMS/COMMENTS: **ELAINE THOMAS**, Paternal Grandmother, is See timeline on Page 2 for Temporary Guardian. reference. Trial is currently set for 7-23-13. **RACHEL STAUFFER**, Mother, filed a Motion to Cont. from 061213 Quash Civil Subpoena for Kaweah Delta Hospital Note: On 6-14-13, Cindy J. Aff.Sub.Wit. and St. Aanes Medical Center on 5-17-13. Hopper, attorney for Mother Verified Rachel Stauffer, filed Notice of Ms. Stauffer states: Motion and Motion to be Inventory On 5-3-13, she was served with a Notice to Relieved as Counsel. See PTC Consumer or Employee and Objection and a Page 1B of this calendar. Civil Subpoena (Duces Tecum) for Personal Not.Cred. Appearance and Production of Documents, Notice of Hrg **Upcoming dates:** Electronically Stored Information, and Things Aff.Mail at Trial and Declaration for St. Agnes Medical 7-23-13: Court Trial re general Aff.Pub. Center and Kaweah Delta Hospital guardianship – time estimate Sp.Ntc. (attached). $\overline{2}$ -2½ days. Pers.Serv. On 5-8-13, Attorney Hopper faxed a letter to Conf. Screen Attorney Attashian stating that the mother's Letters medical records are privileged and are Duties/Supp outside the scope of discovery as there are no **Objections** medical issues before the Court concerning Video

• On 5-8-13, Attorney Hopper faxed a letter to Attorney Attashian stating that the mother's medical records are privileged and are outside the scope of discovery as there are no medical issues before the Court concerning the guardianship itself, and informing Ms. Attashian that she would not be entitled to all medical records prior to the birth of Zachary nor records that do not pertain to any issues that have not been tendered before this Court, and if she did not immediately withdraw the subpoenas and Mother is forced to file a motion to quash, she would be requesting sanctions for abuse of the discovery process.

Receipt

9202

Order

CI Report

Aff. Posting

Status Rpt

UCCJEA

Citation

FTB Notice

- Ms. Stauffer states she has NOT put any medical issues before this Court; rather, Elaine has been the one to do so. In her 4-2-12 petition, she stated that Ms. Stauffer needed to be admitted to a hospital, and attached an email from Ms. Stauffer's mother (Patricia Kilpatrick) to Attorney Attashian.
- Further, Elaine has requested all of Mother's medical records without ANY limit to time frame. Elaine should not be entitled to ANY of the medical records, especially those that do not pertain to issues not tendered before this Court.
- Trial was originally scheduled for 3-26-13, but continued by stipulation and order. At no time did Mother agree to waive the discovery time and said time frame has lapsed. Furthermore, she did not agree to reopen discovery proceedings.

Points and Authorities attached.

Reviewed by: skc

Reviewed on: 7-11-13

Updates:

Recommendation:

File 1 – Filaas

1A Zachary Filgas (GUARD/P)

Case No. 10CEPR00914

Page 2

Declaration of Temporary Guardian Elaine Thomas states that on 1-30-13, Ms. Stauffer had filed a supplemental declaration with the Court. At the time of filing, Rachel had failed to visit for approx. six weeks. As a result of the declaration, Guardian's attorney propounded discovery to determine where Ms. Stauffer had been hospitalized and the reason. In answering, Ms. Stauffer stated she had been hospitalized at Kaweah Delta and St. Agnes Medical Hospital.

The initial trial date was 3-26-13. Trial has been continued three times. The above declaration proffering new information and the affirmative defense by Respondent after the initial trial setting.

Guardian requests Ms. Stauffer's medical records pursuant to Civil Code § 1987(c) allowing the issuance of the subpoena approximately 20 days before a trial date. The subpoena is timely. If the Court finds otherwise, she requests the Court re-open discovery so that these records can be admitted as relevant in the instant proceedings. Ms. Stauffer invoked her medical condition as the reason for her significant absence from Zachary's life. The records have been released and are in the attorney's possession. Because of the delicate nature of the contents, Guardian has not reviewed the records, but is amenable to the issuance of a protective order and an in camera review of the records.

Guardian states Ms. Stauffer provided a third party (her mother) with access to her medical records, and it is also Guardian's understanding that there are statements by third parties in the records. Guardian requests the Court review the documents to determine whether she has already waived privileged by providing access to a third party and whether there are statements made by third parties who are expected witnesses to the instant action.

In the very least, the records should be available to Guardian at trial to ensure Ms. Stauffer's candor or any third party's candor regarding the information relevant to the instant proceedings and guardianship.

Points and Authorities attached.

Zachary Filgas (GUARD/P)

Hopper, Cindy J. (Petitioner – Attorney for Rachel Stauffer – Mother)

Notice of Motion and Motion to be Relieved as Counsel

	CINDY J. HOPPER, Attorney for Rachel Stauffer,	NEEDS/PROBLEMS/COMMENTS:
	mother of Zachary Filgas, is Petitioner.	Note: Page 1A is Mother's Motion to Quash Civil Subpoena.
	Petitioner states an irremediable break down in the relationship between attorney and	-
Aff.Sub.Wit.	client has occurred that cannot be repaired	Note: Trial is set for 7-23-13.
✓ Verified	and which makes it impossible for attorney tocontinue representation of client.	
Inventory	Furthermore, client has breached her	
PTC	agreement with attorney and refuses to	
Not.Cred.	cooperate with attorney making it impossible	
✓ Notice of Hrg	for attorney to continue any further	
Aff.Mail	representation.	
Aff.Pub.	Notice was sent to the client, Rachel Stauffer,	
Sp.Ntc.	and to Attorney Attashian, on 6-13-13.	
Pers.Serv.		
Conf. Screen	=	
Letters Course	=	
Duties/Supp Objections	=	
Video		
Receipt		
CI Report		
9202		
Order	_	
Aff. Posting	_	Reviewed by: skc
Status Rpt	_	Reviewed on: 7-11-13
UCCJEA Citation	-	Updates: Recommendation:
FTB Notice	- 	File 1 – Filgas
		riie i – riigus

1B

Atty

Lyle E. Schafer Decedents Trust

Case No. 12CEPR00682

Wright, Janet L. (for Janice Branum – Successor Trustee – Petitioner)

Petition for Settlement of Third and Final Account and Report of Trustee; for

Termination and Final Distribution of Trust; and for Transfer of Trust Administration for Sub-Trusts [Prob. C. 16062, 17200(b)(13), 17400, et seq.]

	e E. Schafer	JANICE BRANUM, Successor trustee, is Petitioner.	NEEDS/PROBLEMS/
	D: 8-20-10	Account period: 11-1-12 through 4-30-13	COMMENTS:
	n M. Schafer	Accounting: \$2,451,908.24	1. Petitioner originally
DO	D: 10/29/12	Beginning POH: \$2,424,767.01	requests a \$12,000.00
		Ending POH: \$1,567,518.22 (cash)	reserve, which appears
		Closing: \$12,000.00 (for payment of attorney fees for	to be the amount the distribution amounts
		this final petition and accountant fees for the final tax	are based on; however,
	Aff.Sub.Wit.	returns)	the prayer and order
>	Verified	Petitioner states all trust administration matters are	indicate a reserve of \$16,076.00. Need
	Inventory	substantially completed including payment of all debts of the decedent. All post death administration	clarification.
	PTC	expenses and costs, except for the preparation of the	
	Not.Cred.	2013 final fiduciary income tax returns and the	
~	Notice of	remaining expenses, fees, costs of final distribution,	
	Hrg	have been paid or accounted for in this petition.	
>	Aff.Mail W	Petitioner states with the approval of this Third	
	Aff.Pub.	Account and other relief requested herein, Petitioner	
	Sp.Ntc.	intends to resign as Trustee in favor of Bradford T.	
	Pers.Serv.	Schafer, the Successor Trustee designated by the Trustors in the 2 nd Amendment (Exhibit B). Therefore,	
	Conf.	the funding of the sub-trusts will be to Bradford T.	
	Screen	Schafer as Successor Trustee. Mr. Schafer resides in	
	Letters	Godley, Texas. Petitioner requests that as a part of the	
	Duties/Supp	Order of Final Distribution for the Decedent's Trust, that	
	Objections	the Court approve the transfer of the administration of	
	Video	the sub-trusts established on distribution to Godley,	
	Receipt	Texas, subject to the jurisdiction of the 355 th Judicial District Court, Granbury, Texas.	
	CI Report	· ·	
	9202	Petitioner proposes distribution of the remaining trust estate as follows:	
>	Order		
	Aff. Posting	Bradford T. Schafer, Trustee of the sub-trust created under the Lyle E. Schafer Decedent's Trust FBO	Reviewed by: skc
	Status Rpt	Pamela J. Schafer-Waller: \$308,214.14	Reviewed on: 7-11-13
	UCCJEA		Updates:
	Citation	 Bradford 1. Schafer, Irusfee of the sub-trust created under the Lyle E. Schafer Decedent's Trust FBO 	Recommendation:
	FTB Notice	Marlin L. Schafer: \$346,740.90	File 3 – Schafer
		Bradford T. Schafer, Trustee of the sub-trust created	
		under the Lyle E. Schafer Decedent's Trust FBO Joy	
		L. Harned (formerly Joy Lebeuf): \$260,055.68	
		Bradford T. Schafer, Trustee of the sub-trust created	
		under the Lyle E. Schafer Decedent's Trust FBO	
		Michael J. Kendall: \$216,713.06	
		Bradford T. Schafer, Trustee of the sub-trust created	
		under the Lyle E. Schafer Decedent's Trust FBO	
		Bradford T. Schafer: \$423,794.44	
		Request for transfer to another jurisdiction:	
		<u>SEE PAGE 2</u>	
-	<u> </u>		3

Page 2

Petitioner requests the Court transfer administration of the sub-trusts established pursuant to this order pursuant to Probate Code §§17400 et seq., based on the following:

- Petitioner will resign as trustee effective upon acceptance by the Court of the assumption of trusteeship by the next designated trustee, Bradford T. Schafer. After her resignation, there will be no further administration in Fresno County.
- Bradford T. Schafer has agreed to accept trusteeship (See Acceptance filed concurrently). The
 administration of the trust will be conducted at an address in Godley, Texas, which is Mr. Schafer's
 address. For ease of administration and cost-effectiveness, he requests administration be transferred
 to the 355th Judicial District Court, Granbury, Texas.
- Mr. Schafer is an established and respected businessman in Granbury, Texas. In addition to owning
 and operating several businesses, he is employed as senior management overseeing leasing for a
 major oil and gas company. Pursuant to the terms of the trust, bond is not required.
- There are no other trusts by the same trustor being administered by Mr. Schafer in the 355th Judicial District Court, Granbury, Texas.

Petitioner requests an order that:

- 1. The Third and Final Account be settled, allowed, and approved as rendered and all acts of Petitioner set forth or relating to the matters set forth be ratified, confirmed, and approved;
- 2. Petitioner be authorized to retain a reserve fund in the amount of \$16,076.00; [See Note #1]
- 3. Petitioner be authorized and distribution of the trust estate as described above;
- 4. The administration of the sub-trusts established pursuant to the terms of the Lyle E. Schafer Decedent's Trust be transferred to the 355th Judicial District Court, Granbury, Texas; and
- 5. Such further relief as the court deems proper.

Kyle Grossman (CONS/P)

Matlak, Steven M. (for Neil and Doredda Grossman – Parents – Petitioners)

Petition for Appointment of Limited Probate Conservator of the Person (Prob. C. 1820, 1821)

Age: 19	NO TEMP REQUESTED	NEEDS/PROBLEMS/
Age. 17	1	COMMENTS:
	NEIL and DOREDDA GROSSMAN, Parents, are Petitioners and	Court Investigator
	request appointment as Limited Conservators of the Person with medical consent powers under Probate Code §2355	advised rights on 5-
Cont. from 052113	and <u>all</u> additional powers listed under Probate Code	13-13.
Aff.Sub.Wit.	§2351.5, including fix residence, access to confidential	Continued from 5-21-
	records, consent or withhold consent to marriage, right to	13. As of 7-11-13,
✓ Verified	contract, right to control social and sexual contacts and	nothing further has
Inventory	relationships, decisions re education.	been filed.
PTC	1 ' '	1. Need assessment
Not.Cred.	Voting rights <u>NOT</u> affected	and report with
✓ Notice of	A Capacity Declaration was filed on 5-8-13. Capacity	findings and
Hrg	Declaration of Rod Kraft, MD, 5-13-13, supports the request	recommendations
✓ Aff.Mail W	for medical consent powers.	from CVRC for limited
Aff.Pub.	Petitioners state Kyle Grossman lives at home with his	conservatorship
Sp.Ntc.	parents and a brother. Kyle has Asperger Syndrome, a	pursuant to Probate
Y Pers.Serv. W	neurological disorder that is part of a group of conditions	Code §1827.5.
✓ Conf.	called autism spectrum disorders, and has limited cognitive	2. Petitioners request
Screen	ability. He cannot be left unattended for safety reasons. He	limited
✓ Letters	can dress himself, shave, and provide personal hygiene,	conservatorship,
✓ Duties/Supp	but must be prompted to do so. He cannot tie his shoes or pull up a zipper. He requires consistent daily care and	but include <u>all of</u> the additional
Objections	supervision. Conservatorship will assure that he is well taken	powers under
Video	care of and that his specific personal and medical needs	§2351.5.
Receipt	are met.	However,
✓ CI Report		according to the
9202	Court Investigator Jo Ann Morris filed a report on 5-14-13.	Court Investigator's
✓ Order	The Investigator discussed the differences between limited and general conservatorship, such as marriage, etc., and	report, Petitioners
	Petitioners indicated that they don't want to limit Kyle's	made statements
	social and sexual contacts and relationship, and it is their	indicating that they do not want all of
	hope that he can live independently someday. The	the additional
	Investigator contacted CVRC pursuant to Probate Code	powers requested
	§1827.5(c), which requires a report from the regional center	in the petition.
	with regard to limited conservatorships. However, CVRC	The Court may
	indicated that it was not their policy to get involved in	require clarification
	conservatorship proceedings. When informed of the	regarding whether
	statutory requirement, Program Manager Sam Morgan	Petitioners are
	indicated he would check with his legal department, but	requesting a limited or a general
	did not think CVRC would be preparing a report. The	conservatorship,
	Investigator attempted to contact Trinidad Beltran, who Mr. Morgan referred her to, but did not receive a call back.	and if limited, need
		CVRC assessment
	The report states that the proposed Conservatee is high	regarding are
	functioning and has valid opinions about his education,	appropriateness.
Aff. Posting	etc. At this time, he is content with following the advice of his parents and defers to them to make major decisions.	Reviewed by: skc
	However, without a report from CVRC, the Investigator is	-
Status Rpt UCCJEA	unable to make a definitive recommendation as to the	Reviewed on: 5-16-13 Updates:
✓ Citation	proposed conservatee's exact degree of disability and	Recommendation:
FTB Notice	which powers are absolutely necessary. It does appear	File 5 - Grossman
I I I NOIICE	appropriate to grant a limited conservatorship with	1116 2 - G1033111011
	authority to limit the Conservatee's right to contract and	
	authority to make medical decisions based on the	
	Capacity Declaration of Dr. Kraft.	

Atty

Walters, Jennifer L. (for Petitioner/surviving spouse Patsy Trueblood)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

	C. 0002, 10430)				
DC	D: 5/16/2013	PATSY TRUEBLOOD, surviving spouse, is	NEEDS/PROBLEMS/COMMENTS:		
		petitioner and requests appointment	1 Need waivers of bond from		
		as Administrator without bond.	Need waivers of bond from: Need waivers of bond from: Need waivers of bond from:		
		Full IAEA – o.k.	a. Kellee Anderson (daughter)b. Jon Trueblood (son)		
Со	nt. from	TUILIAEA - U.K.	- Or bond set at \$130,000.00		
	Aff.Sub.Wit.	7	C1 2011α 301 α1 φ100,000.00		
✓	Verified	Decedent died intestate.	2. Need Letters		
	Inventory				
	PTC				
	Not.Cred.	Residence: Madison County, IN			
	Notice of	(leaving real property in Fresno CA)			
	Hrg	Publication: Fresno Business Journal			
✓	Aff.Mail W/O				
✓	Aff.Pub.				
	Sp.Ntc.	Estimated value of the estate:			
	Pers.Serv.	Personal property - \$ 80,000.00 Real property - \$ 50,000.00			
	Conf.	Total - \$130,000.00			
	Screen				
✓	Letters				
✓	Duties/Supp	Probate Referee: Steven Diebert			
	Objections				
	Video				
	Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting		Reviewed by: KT		
	Status Rpt		Reviewed on: 7/11/2013		
	UCCJEA		Updates:		
	Citation		Recommendation:		
	FTB Notice		File 6 – Trueblood		

Martin Rodriguez Special Needs Trust (SNT) Case No. 11CEPR00430 7

Matlak, Steven M. Atty Barron, Richard B. Atty

Status Hearing Re: Filing of the First Account of the Successor Trustee

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
		OFF CALENDAR. First and Final
Cont. from		Account approved on 5/20/2013.
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of		
Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 7/11/2013
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 7 – Rodriguez

Butterfield, John and April (Pro Per – Parents – Petitioners)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

Ag	e: 18		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
			JOHN and APRIL BUTTERFIELD, Parents, are Petitioners and request appointment as	Court Investigator advised rights on 6- 12-13
Со	nt. from 06251	3	Co-Conservators of the Person only.	<u>Voting rights affected</u> - Need minute order
~	Aff.Sub.Wit.		Petitioners also request orders authorizing independent exercise of powers under	Minute Order 6-25-13: Petitioners
	Inventory PTC		Probate Code §2590.	inform the Court that they do want medical consent powers. The Court
	Not.Cred.		VOTING RIGHTS AFFECTED	advises Petitioners to fix defects on the Examiner Notes.
~	Notice of Hrg		A capacity declaration was filed 5-15-13.	Petitioners request powers under Petitioners request powers under
>	Aff.Mail	W	Petitioners state the proposed	Probate Code §2590; however, do not request conservatorship of the
	Aff.Pub.		Conservatee was diagnosed with Fragile	estate or provide any explanation
	Sp.Ntc.		X Syndrome at age 3. He remains low- functioning and is likely to remain that	of the situation that necessitates
~	Pers.Serv.	W	way indefinitely. He is indifferent to his	such powers. Need clarification.
~	Conf.		physical health and will not obtain proper	2. Petitioners do not request medical
	Screen		nutrition or hydration without constant	consent powers under Probate
~	Letters		supervision. He pays almost no heed to	Code §2355; however, a capacity declaration was provided that
~	Duties/Supp		personal safety and has entered roadways without watching for traffic. He	indicates that such powers might
	Objections		is unable to interact appropriately with	be appropriate. Need clarification.
~	Video		other people and often fails to remember	If medical consent powers are to be considered, the Court may
	Receipt		who people are unless he sees them	require amended petition and
_	CI Report		daily. Although he is good at basic	service on the proposed
	9202		arithmetic, he does not comprehend	Conservatee.
_	Order		money. He does not make independent decisions and will simply do what he is	Daylawa d han aka
	Aff. Posting		told.	Reviewed by: skc
	Status Rpt UCCJEA			Reviewed on: 7-11-13 Updates:
-	Citation		Court Investigator Julie Negrete filed a	Recommendation:
Ė	FTB Notice		report on 6-18-13.	File 12 – Butterfield

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